

DOCKET NO.: CHEM0021US/ISIS-5799
Application No.: 10/561,324
Office Action Dated: June 10, 2009

PATENT

REMARKS

Following entry of the foregoing amendments, claims 1, 5 to 7, 9, 14, 20 to 22, 26, 30, 39 to 44, 49, 50, and 53 will be pending in this patent application. Claim 53 has been withdrawn from consideration as drawn to non-elected subject matter. Claims 1, 26, and 30 have been amended, and claims 2, 3, and 54 to 56 have been canceled, herein, without prejudice. No new claims have been added. Support for the amendments is found throughout the specification as originally filed, and the amendments thus do not introduce new matter into the application.

Applicants acknowledge with appreciation the examiner's indication that claim 56 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Applicants respectfully request reconsideration of the rejections of record in view of the foregoing amendments and the following remarks.

Alleged Obviousness

Claims 1 to 3, 5 to 7, 9, 14, 20 to 22, 26, 30, 39 to 44, 49, 50, 54, and 55 have been rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by published U.S. patent application number 2003/143732 ("the Fosnaugh application"). Without conceding the correctness of this rejection, claim 1 has been amended herein to incorporate the subject matter of claim 56, thereby obviating the rejection in view of the examiner's indication that claim 56 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Since the claims now recite subject matter that the Office deems to be allowable, and since the claimed compositions would not have been obvious at the time of the invention in view of the description provided in the Fosnaugh application for reasons previously made of record, applicants respectfully request withdrawal of the rejection.

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Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the official action of record. Accordingly, an early and favorable action is respectfully requested.

Respectfully submitted,

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